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ACCOUNT NO. 23-0975
#5A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Kazuhiko KONO : Attn: BOX PCT

Serial No. NEW : Docket No. 2001_0912A

Filed August 2, 2001

OPTICAL DISK DEVICE

[Corresponding to PCT/JP00/08805
Filed December 13, 2000]

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents,
Washington, DC 20231

Sir:

Please amend the above-identified application as follows.

In the Specification and Abstract:

**Please replace the paragraph beginning at page 7, line 6, with the following
rewritten paragraph:**

For recording signals on the first data plane S1, as shown in Fig. 10(A), the focus of the light beam follows the first data plane S1. At this moment, the light beam is also emitted to the second data plane S2, but since the first data plane S1 and second data plane S2 are located apart from each other by a distance D, the light beam does not focus sufficiently on the second data plane S2. Therefore, the quantity of light per unit area is small, and the temperature of the second data plane S2 does not rise to the recording temperature, and therefore wrong recording or wrong

erasing of signals does not occur. Similarly, as shown in Fig. 10(B), when the focus of the light beam follows the second data plane S2, the light beam does not focus sufficiently on the first data plane S1, and therefore wrong recording or wrong erasing of signal does not occur on the first data plane S1. In the case that signals are recorded on the first data plane S1 as shown in Fig. 10(A), if the focus control is disturbed by disturbance, vibration or physical defect on the disk, as shown in Fig. 10(B), the light beam may focus nearly on the second data plane S2. In this case, signal may be recorded or erased incorrectly in the second data plane S2 where the signal is not intended to record. Even if not reaching a state in Fig. 10(B), if slightly approaching from a state in Fig. 10(A) to that in Fig. 10(B), the light beam has a small spot diameter on the second data plane S2. Accordingly, the light beam has the quantity per unit area increase, the temperature of the plate rises, and thus, recorded data in the second data plane S2 may be damaged by incorrect recording or erasing. The similar operation may be performed when data is recorded in the second data plane S2. In this case, a disturbed focus control has the signal in the first data plane S1 recorded or erased incorrectly.

In the Drawings:

- (1) Proposed Drawing Amendments are submitted herewith under separate cover letter; and
- (2) Replacement formal drawings for Figs. 1 and 2 are submitted herewith under separate cover letter, to incorporate the Proposed Drawing Amendments thereto.

REMARKS

Entry of the above specification amendment prior to initial examination is respectfully requested.